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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,731	04/16/2001	Kevin Peter Kepros	ROC920010002US1	5661

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EXAMINER

JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/835,731

Applicant(s)

KEPROS ET AL.

Examiner

Jean Janvier

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,4-21,24 and 27-44.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Jean Janvier
Examiner
Art Unit: 3622

Continuation of 11. does NOT place the application in condition for allowance because: First of all, and contrary to the Applicant's remarks, the process of generating a transaction or purchase identifier by a central computer or server and transmitting by the server the generated purchase identifier or transaction identifier to a remote terminal or computer or POS system during a transaction is well documented or well known in the art (See the Van Dusen's reference). Second of all, Van Dusen (in the secondary reference) teaches, among other things, a process for generating by a server a pool of claim codes or purchase or transaction identifiers and transmitting a unique purchase identifier or claim code to a remote computer during a (purchase) transaction upon receiving a signal from the remote computer used by a buyer to purchase a gift certificate from a web site related to the server, wherein the purchase identifier is appended to the gift certificate and wherein the claim code or purchase identifier is used during the gift certificate redemption (a gift certificate claim) by the recipient to verify the authenticity of the gift certificate, thereby preventing fraudulent activities often associated with the issuance and redemption of coupons, rebates, gift certificates, etc. The system disclosed in the present claimed invention also deals with generating a transaction or purchase identifier (code or claim code) by a sever upon receiving a signal from a remote computer or terminal (or POS system) during a transaction and transmitting the generated identifier or code to the remote computer, wherein the generated code is being associated with or appended to a rebate and used thereafter during a rebate claim or a rebate submission to verify the authenticity of the rebate, in a manner similar or analogous to submitting a gift certificate claim (gift certificate redemption). Here, contrary to the Applicant's contention, the two systems are analogous and disclose a process for solving a common problem- verifying the authenticity of a rebate claim or a gift certificate claim. Furthermore, both the Quinlan's system (USP 6,748,365) and the Van Dusen's system (6,175,823) and the system disclosed in the present claimed invention are all classified in 705/14 (See MPEP 2141.01(II)). Moreover, if Van Dusen had taught a rebate system as opposed to a gift certificate system, then the claimed invention would have been anticipated by Van Dusen. Additionally, the primary reference or the Quinlan's Patent is in the same field of endeavor as the system of the present claimed invention. The question should be rather whether or not the Van Dusen's system is analogous to the Quinlan's such that they can be combined to render the claimed invention obvious. To this end, the Applicant's arguments are not plausible. And the Final Office Action is hereby being maintained.

Continuation of 13. Other: The last Advisory Action, mailed on 12/14/2005, is herein being vacated in favor of the present Advisory Action.

JEAN D. JANVIER
PRIMARY EXAMINER

